

Ashburnham Police Department
Call Number Printed: 12/29/2003

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For Date: 10/02/1999 - Saturday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
99-6781	0004	Initiated - SERVE RESTRAINING ORD	Arrest(s) Made	2	
Call Taker:		DISPATCHER RONALD KING			
Location/Address:		141 ASHBY RD			
Initiated By:		43A - POLICE OFFICER MARK BARANOWSKI			
		POLICE OFFICER GREGORY P GUSHLAW			
Post:		13B POLICE OFFICER GREGORY P GUSHLAW			
		Disp-00:04:00	Arvd-00:04:00	Clrd-00:50:00	
Post:		43A POLICE OFFICER MARK BARANOWSKI			
		Disp-00:04:00	Arvd-00:04:00	Clrd-00:50:00	
Narrative:		72 AND 76 TO SERVE A RESTRAINING ORDER. IN THE PROCESS OF MAKING SERVICE, 72 ARRESTED, KENNETH JEAN FOR POSSESSION OF CLASS D.			
Refer To Arrest:		99-146-AR			
Arrest:		JEAN, KENNETH R			
Address:		141 ASHBY RD ASHBURNHAM, MA			
DOB:		03/27/1956			
Charges:		ILLEGAL POSSESSION OF CLASS D MARIJUANA			
Refer To Incident:		99-307-OF			

Exhibit B



**Ashburnham Police Department
Arrest Report**

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**Arrest #: 99-146-AR
Call #: 99-6781**

Date/Time Reported: 10/02/1999 @ 0004
 Arrest Date/Time: 10/02/1999 @ 0004
 Booking Date/Time: 10/02/1999 @ 0055
 OBTN: TASH199900146
 Court: FITCHBURG DISTRICT COURT
 Court Date: 10/05/1999 @ 0830
 Reporting Officer: POLICE OFFICER MARK BARANOWSKI
 Assisting Officer: POLICE OFFICER GREGORY GUSHLAW
 Booking Officer: POLICE OFFICER GREGORY GUSHLAW
 Approving Officer: SERGEANT ROBERT BRENNAN
 Signature: _____
 Bail Commissioner: GLORIA CORMIER
 Bail Amount: \$225.00
 Bail Set/Released: 10/02/1999 @ 0135

#	DEEDANT (S)	SEX	RACE	AGE	SSN	PHONE
1	JEAN, KENNETH R 141 ASHBY RD ASHBURNHAM MA 01430	M	W	43	002-44-9870	978-827-3344

HEIGHT: 508 WEIGHT: 197 HAIR: BROWN EYES: BLUE
 BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
 DOB: 03/27/1956 PLACE OF BIRTH: NOT AVAIL.
 LICENSE NUMBER: NOT AVAIL. ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: NO

SCARS: SC R EYE (RIGHT EYEBROW)

[RIGHTS/BOOKING CHECKS]

RIGHTS ADVISED BY: POLICE OFFICER GREGORY P GUSHLAW DATE/TIME: 10/02/1999 @ 0100
 PHONE USED: Y PHONED DATE/TIME: 10/02/1999 @ 0110
 ARRESTEE SECURED: Y 10/02/1999 0055

 FINGERPRINTED: N
 PHOTOGRAPHED: Y
 SUICIDE CHECK: Performed
 PERSONS: State&Federal
 NCIC VEHICLE CHECK: Not Performed
 INJURY OR ILLNESS: N

#	OFFENSE (S)	A/C	STATE LAW
1	ILLEGAL POSSESSION OF CLASS D MARIJUANA SUSPECTED OF USING: Drugs/Narcotics CRIMINAL ACTIVITY: Possessing/Concealing	C	94C 34

LOCATION TYPE: Residence/Home/Apt./Condo Zone: NORTHEAST ZONE
 141 ASHBY RD
 ASHBURNHAM MA 01430

**Ashburnham Police Department
Arrest Report**

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Arrest #: 99-146-AR
Call #: 99-6781

#	DRUG(S)	PROPERTY #	STATUS
1	MARIJUANA CIGARETTE	99-142-PR	Seized (Not Previously Stolen)
	QUANTITY: 1.000 (Dosage of Units/Items)	VALUE: \$0.00	DATE: 10/02/1999
	OWNER: JEAN, KENNETH R		
2	GLASSINE BAG W/MARIJUANA SIDE DRESSER	99-143-PR	Seized (Not Previously Stolen)
	QUANTITY: (Not Available at This Time)	VALUE: \$0.00	DATE: 10/02/1999
	OWNER: JEAN, KENNETH R		
3	GLASSINE BAG W/MARIJUANA TV DRESSER	99-144-PR	Seized (Not Previously Stolen)
	QUANTITY: (Not Available at This Time)	VALUE: \$0.00	DATE: 10/02/1999
	OWNER: JEAN, KENNETH R		
4	MARIJUANA CIGARETTES	99-145-PR	Seized (Not Previously Stolen)
	QUANTITY: 4.000 (Dosage of Units/Items)	VALUE: \$0.00	DATE: 10/02/1999
	OWNER: JEAN, KENNETH R		
5	MARIJUANA	99-146-PR	Seized (Not Previously Stolen)
	QUANTITY: (Not Available at This Time)	VALUE: \$0.00	DATE: 10/02/1999
	OWNER: JEAN, KENNETH R		

#	OTHER PROPERTIES	PROPERTY #	STATUS
1	ZIG ZAG ROLLING PAPERS	99-147-PR	Seized (Not Previously Stolen)
	QUANTITY: 4	VALUE: \$0.00	
	SERIAL #: NOT AVAIL		
	DATE: 10/02/1999		
	OWNER: JEAN, KENNETH R		

Ashburnham Police Department
NARRATIVE FOR POLICE OFFICER MARK BARANOWSKI

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On 10/02/99 at approximately 0004 hours I, Ptlmn. Mark Baranowski was assigned to uniform cruiser patrol for the Town of Ashburnham. Officer Greg Gushlaw was also assigned to uniform cruiser patrol.

At this time Ofc. Gushlaw requested that I meet him at 141 Ashby Rd. to assist him in serving a restraining order. Upon arrival I learned the following. That the order listed Kenneth Jean of 141 Ashby Rd., as the defendant. The order further instructed Kenneth to release all firearms and permits to the Ashburnham Police Department. After several attempts by myself and Ofc. Gushlaw were able to awaken Kenneth. Kenneth was issued and explained his copy of the restraining order. When asked if he had any firearms, Kenneth stated yes. I asked Kenneth where the firearm was. That Kenneth turned and began to walk towards the bedroom. I followed behind Kenneth and informed him I would get the firearm. That I further in formed him that I did not want him to touch it. That Kenneth stopped outside his bedroom door and pointed to the right side of the bedroom entry way. That Kenneth stated that the shotgun was loaded. At this time I took custody of the shotgun, and cleared four rounds. I asked Kenneth if he had anymore ammunition, which he replied he had a few. That Kenneth entered his bedroom and approached a dresser. That Kenneth recovered two rounds from the right dresser drawer. While standing in the lighted bedroom, I observed, in plain view, a partially burnt cigarette. That this cigarette was located on a small table. This table was on the left side, near the bed, upon entering the bedroom. This cigarette contained a green vegetable substance that was consistent to that in odor and appearance to marijuana. At this time I advised Kenneth he was under arrest for possession of marijuana. He was handcuffed (HCDL) and remained in the bedroom. I asked Kenneth if there was anymore marijuana, which he replied no. I advised Kenneth that I was going to search his bedroom. That if there was anymore marijuana to tell me now, which Kenneth did not reply. At Kenneth's request his money was brought to the station. Prior to placing Kenneth in the cruiser, his money was counted, totaling \$1098.00. When asked if this total was correct Kenneth stated yes. At this time Kenneth was placed in the rear of my cruiser by Ofc. Gushlaw.

I began a search of the bedroom beginning with a dresser located on the straight ahead upon entering the bedroom. This is the same dresser from which Kenneth produced the above mentioned shotgun rounds. In the top drawer, on the right side, That in the top right drawer I located a box of Active shotgun rounds. That in the same drawer I observed a glassine bag which contained a green vegetable substance consistent to that of marijuana. That I searched the dresser located right side upon entering. That in the top drawer I observed another glassine bag that contained a green vegetable substance consistent to that in odor and appearance to marijuana. I next began a search of a desk located outside the bedroom. In the top left drawer I observed 4 cigarettes. These cigarettes contained a green vegetable substance consistent to that of marijuana. In the same drawer I observed a partially burnt cigarette that was consistent to that in odor to burnt marijuana. This partially burnt cigarette is commonly refereed to as a roach. In the same drawer I observed 4 package of Zig-Zag rolling papers. That these papers are commonly used for rolling marijuana cigarettes. In the same drawer I observed a loose green vegetable matter that was consistent in odor and appearance to that of marijuana. That this marijuana was in half of a red and black box. All items were taken as evidence.

I exited the residence and approached my cruiser. Ofc. Gushlaw informed me that Kenneth was advised of his rights under Miranda. I opened the cruiser door to engage Kenneth in a conversation. I informed Kenneth that he lied to me about there being anymore marijuana in the house. That I further

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NARRATIVE FOR POLICE OFFICER MARK BARANOWSKI

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informed Kenneth of the marijuana that was recovered. That when asked if there was anymore marijuana Kenneth replied, "I think you got it all". At Kenneth's request the residence was secured. Kenneth was transported to the station where he was booked and advised of all applicable rights by Ofc. Gushlaw. Kenneth was released by Bail Commissioner Cormier to appear in Fitchburg District Court.



**Ashburnham Police Department
Incident Report**

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Incident #: 99-307-OF
Call #: 99-6781

Date/Time Reported: 10/02/1999 0004
Report Date/Time: 10/02/1999 0148
Occurred Between: 10/02/1999 0004-10/02/1999 0050
Status: No Crime Involved
Reporting Officer: POLICE OFFICER GREGORY GUSHLAW
Assisting Officer: POLICE OFFICER MARK BARANOWSKI
Approving Officer: SERGEANT ROBERT BRENNAN

Signature: _____

#	INVOLVED	SEX	RACE	AGE	SSN	PHONE
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HEIGHT: 508 WEIGHT: 197 HAIR: BROWN EYES: BLUE
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DOB: 03/27/1956 PLACE OF BIRTH: NOT AVAIL.
LICENSE NUMBER: NOT AVAIL. ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: NO

SCARS: SC R EYE (RIGHT EYEBROW)

LOCATION TYPE: Residence/Home/Apt./Condo Zone: NORTHEAST ZONE
141 ASHBY RD
ASHBURNHAM MA 01430

1 SERVE 209A FOR GARDNER PD.

C

1	SENECAL, SANDRA 39 DINAN DR #22 GARDNER MA 01440 DOB: 11/15/1941 ETHNICITY: Unknown RESIDENT STATUS: Non Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1	F	U	57	036-26-8674
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#	OTHER PROPERTIES	PROPERTY #	STATUS
1	REMINGTON 1100, 12 GA. SHOT GUN QUANTITY: 1 SERIAL #: 320880V DATE: 10/02/1999 OWNER: JEAN, KENNETH R	99-148-PR VALUE: \$400.00	Held for Safe Keeping

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#	OTHER PROPERTIES	PROPERTY #	STATUS
2	ACTIVE 00 BUCK ,12 GA., SHOT GUN SHEL QUANTITY: 11 SERIAL #: NOT AVAIL DATE: 10/02/1999 OWNER: JEAN, KENNETH R	99-149-PR VALUE: \$15.00	Held for Safe Keeping

Ashburnham Police Department
NARRATIVE FOR PATROLMAN GREGORY P GUSHLAW

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On 10/2/1999, at Approx.. 0005 hrs., I Ptlm. Gregory P. Gushlaw was on uniformed patrol in marked Ashburnham cruiser. Ptlm. Mark Baranowski was also on uniformed Patrol for the Town Of Ashburnham.

I had an occasion to meet Gardner Police at the line for paperwork. At this time, I was requested to serve a restraining order to Kenneth R. Jean of 141 Ashby Rd., Ashburnham and to notify Gardner Police department when it was served. I requested Ptlm. Baranowski to meet at 141 Ashby Rd. After several attempts to awaken Kenneth he came to the door and opened it. I advised Kenneth that we were there to serve him a restraining order. I asked Kenneth if he had ever had a restraining order issued on him before. Kenneth replied by saying no. I started by telling Kenneth that Sandra Senecal had requested a restraining order from the Gardner Police Department. I then explained to Kenneth by reading his copy of the restraining order, which he kept. That he has been ordered not to Abuse the plaintiff, he has been ordered not to contact the plaintiff directly or through a second party, That he has been ordered to leave and stay away from the plaintiff's residence located at 39 Dinan Dr. Apt. 22, Gardner Ma. I also advised Kenneth that I needed to hold for safe keeping any firearms, ammunition and his Licence to carry or FID card. At this time, I asked Kenneth if he understood this order, which he replied by saying yes. I asked Kenneth if he had any firearms, which he replied by saying yes. Kenneth started into the house to retrieve the firearm. I advised Kenneth to show me where the gun was and that I would retrieve it. Kenneth took me to his bedroom where I retrieved a Remington model 1100 12 ga. shot gun that was leaning against Kenneth's tall barrow. Kenneth advised me to be careful that the gun was loaded. I handed the gun to Ptlm. Baranowski to unload it. I then asked Kenneth if there was anymore ammunition other than what was in the gun. At this time, Kenneth went to another long barrow and retrieved two 00 buck shells from it. After Ptlm Baranowski unloaded four rounds from the gun he entered the bedroom with Kenneth and I. Ptlm. Baranowski then found a partially burnt cigarette that contained a green vegetable substance that was consistent of Marijuana located on the night stand next to Kenneth's bed. Ptlm. Baranowski placed Kenneth under arrest for poss. of class D. (Marj) I then escorted Kenneth to Ptlm. Baranowski's cruiser and placed in the back seat. From a card I read Kenneth his rights under Miranda. I asked Kenneth if he understood these rights. Kenneth replied by saying yes. I then asked Kenneth where his FID card was located. Kenneth told me in his wallet that was located in the glove compartment of his Chevy pick up. I retrieved the wallet from Kenneth's truck and I returned back to the cruiser. At this time, I began to look for Kenneth's FID Card which I was unable to find, I told Kenneth that it wasn't in his wallet and asked Kenneth again where it was. Kenneth advised that if it's not in his wallet then he didn't know where it was. I explained to Kenneth that by not turning his FID over to us that it was a violation of the restraining order. Kenneth became agitated and advised me that it's supposed to be in his wallet, if it's not there then he doesn't know where it is. I advised Kenneth that he needed find his FID card and turn it into the Ashburnham Police Department or he could be subject to arrest for violating the restraining order. Kenneth was transported to the Ashburnham Police Department by Ptlm. Baranowski. Kenneth was booked and read all his applicable rights by this officer. Kenneth was released by Bail Commissioner Gloria Cormier to appear in Fitchburg District Court.